

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

- V. -

JOHN F. MARSHALL, Ph. D.  
ALAN L. TUCKER, Ph. D., and  
MARK R. LARSON,

Defendants.

**NOTICE OF MOTION**

08 Civ. 2527 (GBD)

PLEASE TAKE NOTICE that upon the affirmation of Glen G. McGorty, dated June 4, 2008, upon the accompanying memorandum of law, and upon all prior proceedings herein, the United States Attorney for the Southern District of New York will move this Court before the Honorable George B. Daniels, United States District Judge, United States Courthouse, 500 Pearl Street, New York, New York 10007, for an order pursuant to Rules 24(a) and (b) of the Federal Rules of Civil Procedure permitting the Government to intervene and for an order staying discovery in this action pending completion of related criminal proceedings, and for such other relief as is just and proper.

Dated: June 4, 2008  
New York, New York

Respectfully submitted,

MICHAEL J. GARCIA  
United States Attorney

By:       /s/        
Glen G. McGorty  
Assistant United States Attorney  
(212) 637-2505

cc: Larry Iason, Esq. (Counsel for John Marshall)  
Robert Jossen, Esq. (Counsel for Alan Tucker)  
Celia Cohen, Esq./Steven Kobre, Esq. (Counsel for Mark Larson)  
Carl A. Tibbets, Esq. (Trial Counsel for SEC)